



PUBLIC NOTICE

FILE #NRS17.008

Pursuant to Tenn. Comp. R. & Regs. Chapter 0400-40-07, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and a Clean Water Act Section 401 Water Quality Certification. The Division is also conducting a review pursuant to Tenn. Comp. R. & Regs. Subchapter 0400-40-03-.06, the Antidegradation Statement. No final determinations regarding the proposal have been made. The purpose of this notice is to inform interested parties of this permit application and to seek comments and information necessary to determine possible impacts to water quality, the economic and social necessity of the proposed degradation, and the alternatives analysis.

PERMIT COORDINATOR

Scott Hall
615-532-0358
scott.hall@tn.gov

APPLICANT

US Army Corps of Engineers
Environmental Compliance Branch
c/o Edward Lambert
167 North Main, Room B-202
Memphis, TN 38103-1894
901-544-0707

LOCATION

Chute of Island 21 of the Mississippi River adjacent to Chic Road, Finley, TN (Dyer County)
Latitude 35.984622, Longitude -89.685032

PROJECT DESCRIPTION / PURPOSE

The applicant proposes to perform emergency repairs to reinforce the flood-damaged toe of the Little Levee and conduct bank stabilization in three areas along the bank of the Mississippi River in Dyer County. Approximately 4,000 linear feet (LF) of levee toe reinforcement will be conducted. Soil grading will be conducted in Area III (see attached map) in order to ensure bank stability. As necessary, riprap will be placed on the bank to prevent erosion. In order to allow plant recolonization, geotechnical mats will not be used in areas receiving riprap. The purpose of the proposed project is to repair levee flood damage and prevent continued bank erosion on the levee. These activities will occur in an Exceptional Tennessee Water (ETW) for which physical substrate habitat alteration is an unavailable parameter.

POINTS OF IMPACT

Three flood-damaged portions of the Little Levee on the east bank of the chute of Island 21 will be repaired using Graded Stone C and 250 LB riprap stone. The following amounts of stone will be used in each area with the respective length of levee repairs impacts noted:

Area I (1,000 LF) – 40,109 tons of Graded Stone C and 3,300 tons of riprap.

Area II (1,500 LF) – 45,281 tons of Graded Stone C.

Area III (1,500 LF) – 47,333 tons of Graded Stone C, grading of approximately 900 cubic yards of soil.

ANTIDEGRADATION

In accordance with the Tennessee Antidegradation Statement, the Division has made a preliminary determination that the proposed habitat alteration will result in greater than *de minimis* degradation of water quality. Pursuant to the Antidegradation Statement, in waters identified as ETWs, an activity that would cause degradation of habitat above the level of *de minimis* will only be authorized if the applicant demonstrates to the Division that reasonable alternatives to degradation are not feasible, the degradation is necessary to accommodate important economic or social development in the area, and the activity will not violate water quality criteria for uses existing in the receiving waters. The applicant has submitted an alternatives analysis and social and economic justification. In addition, pursuant to the Antidegradation Statement, when one or more of the parameters comprising the habitat criterion are unavailable, activities that cause additional degradation of the unavailable parameter(s) above the level of *de minimis* shall not be authorized.

WATERSHED / WATERBODY DESCRIPTION

The site is located in the Mississippi River watershed, Hydrologic Unit Code (HUC) 08010202.

For more information on this watershed or any Tennessee watershed, please visit our [TN Basins webpage](#).

Ecoregion

Northern Holocene Meander Belts, 73a

Stream Name / ID Mississippi River Chute 21 (TN08010100001_4000)

Designated Use	Use Support	Causes	Sources
livestock watering & wildlife	fully supporting	Choose an item.	Choose an item.
irrigation	fully supporting	Choose an item.	Choose an item.
recreation	not supporting	Polychlorinated biphenyls	Source Unknown
fish and aquatic life	not supporting	Physical substrate habitat alterations	Dredging (E.g., for Navigation Channels)
industrial water supply	fully supporting	Choose an item.	Choose an item.
domestic water supply	fully supporting	Choose an item.	Choose an item.

Assessment Date: April 23, 2013

To view additional information about the proposed location of these impacts and the watershed condition visit <http://tdeconline.tn.gov/dwr/> and search on the permit number listed in the title of this Public Notice.

HOW TO COMMENT

Persons wishing to comment on the proposal are invited to submit written comments to the Division. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below and to the attention of the permit coordinator. You may also comment via email to water.permits@tn.gov. After the Division makes a final permit decision, a permit appeal may be filed by the applicant or by any person who participated in the public comment period whose appeal is based on comments given to the Division in writing during the public comment period or in testimony at a formal public hearing.

PUBLIC HEARING

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be received by the Division within the comment period, indicate the interest of the person requesting it, the reason(s) that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing. Send all public hearing requests to the attention of the permit coordinator at the address listed below.

PROCEDURE FOR MAKING A FINAL DETERMINATION

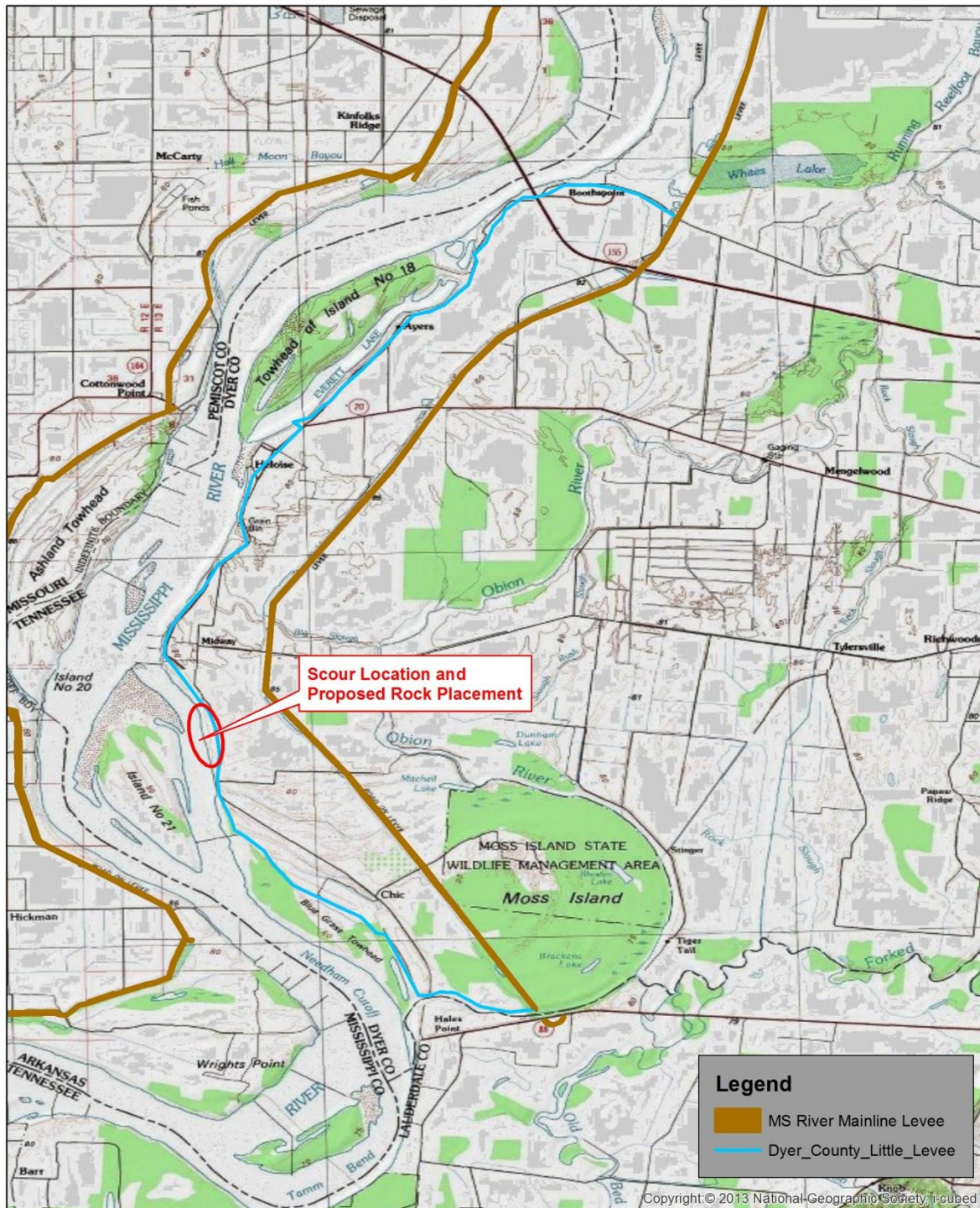
Following the close of the public comment period, the Division will consider all comments of record and the requirements of applicable federal and state laws and make a final determination of the level of degradation that would occur as a result of the proposed activity. If the Department determines that the proposed habitat alteration would result in degradation of an ETW above the level of de minimis, it will also make a final determination of whether that degradation is, or is not, necessary to accommodate important economic or social development in the area and will provide notice of this determination. If the Department determines that the proposed habitat alteration will result in only de minimis degradation, or if a determination of economic or social necessity is not timely appealed, or if any such appeal has been resolved by the Board of Water Quality, Oil and Gas, then the Department will determine whether to issue or deny the permit. In making the decision of whether to issue or deny the Aquatic Resource Alteration Permit, a determination will be made regarding the lost value of the resources compared to the value of any proposed mitigation. The Division will consider the applicant's assessment of practicable alternatives to the alteration and to the proposed degradation. The Division will also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

FILE REVIEW

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review on the internet at the Division's [data viewer](#) by entering the permit number listed in the title of this Public Notice. The file may be viewed in person at the Division's address (listed below) for review and/or copying.

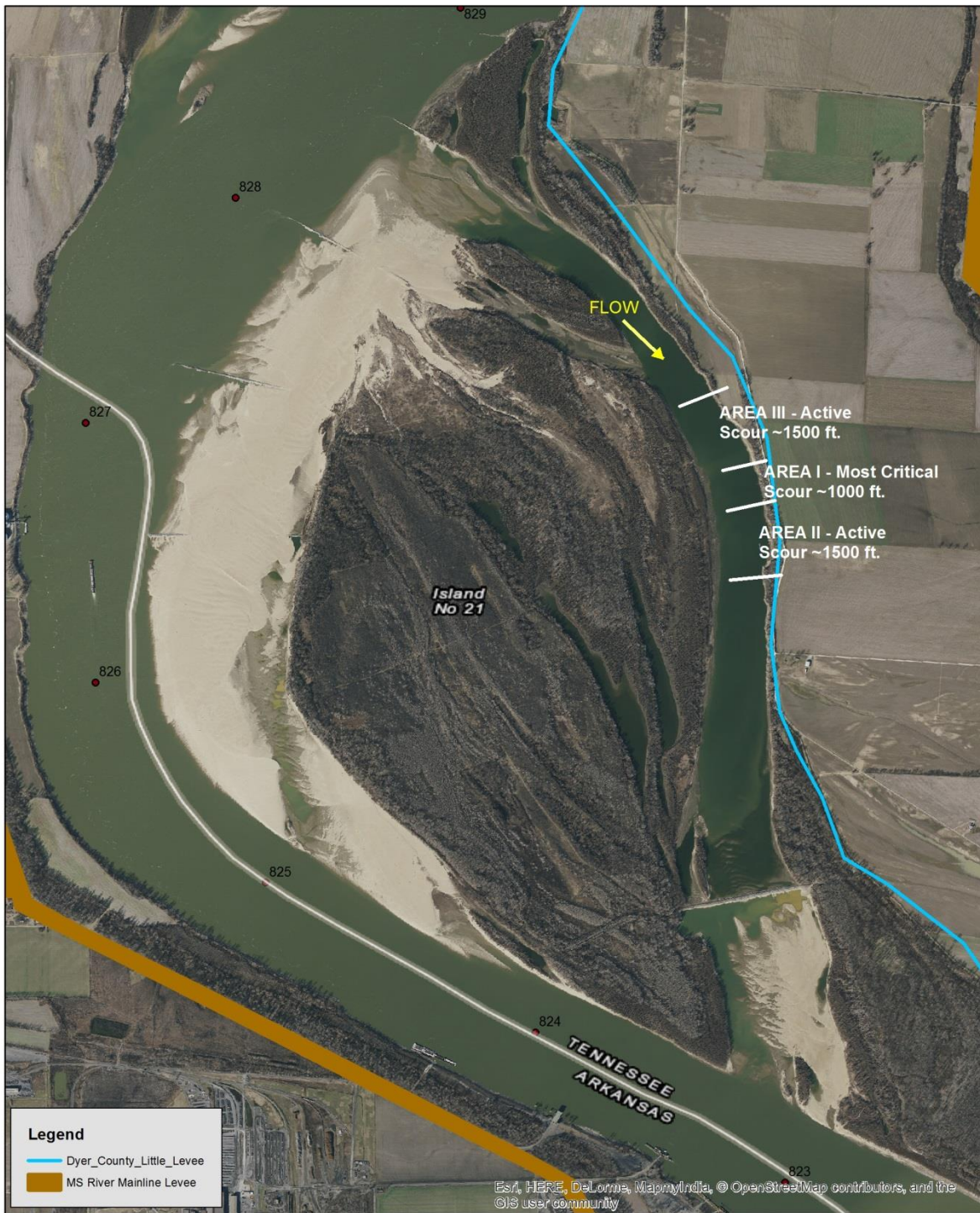
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

LOCATION / TOPOGRAPHIC MAP / SCHEMATICS



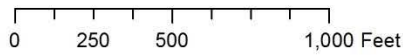
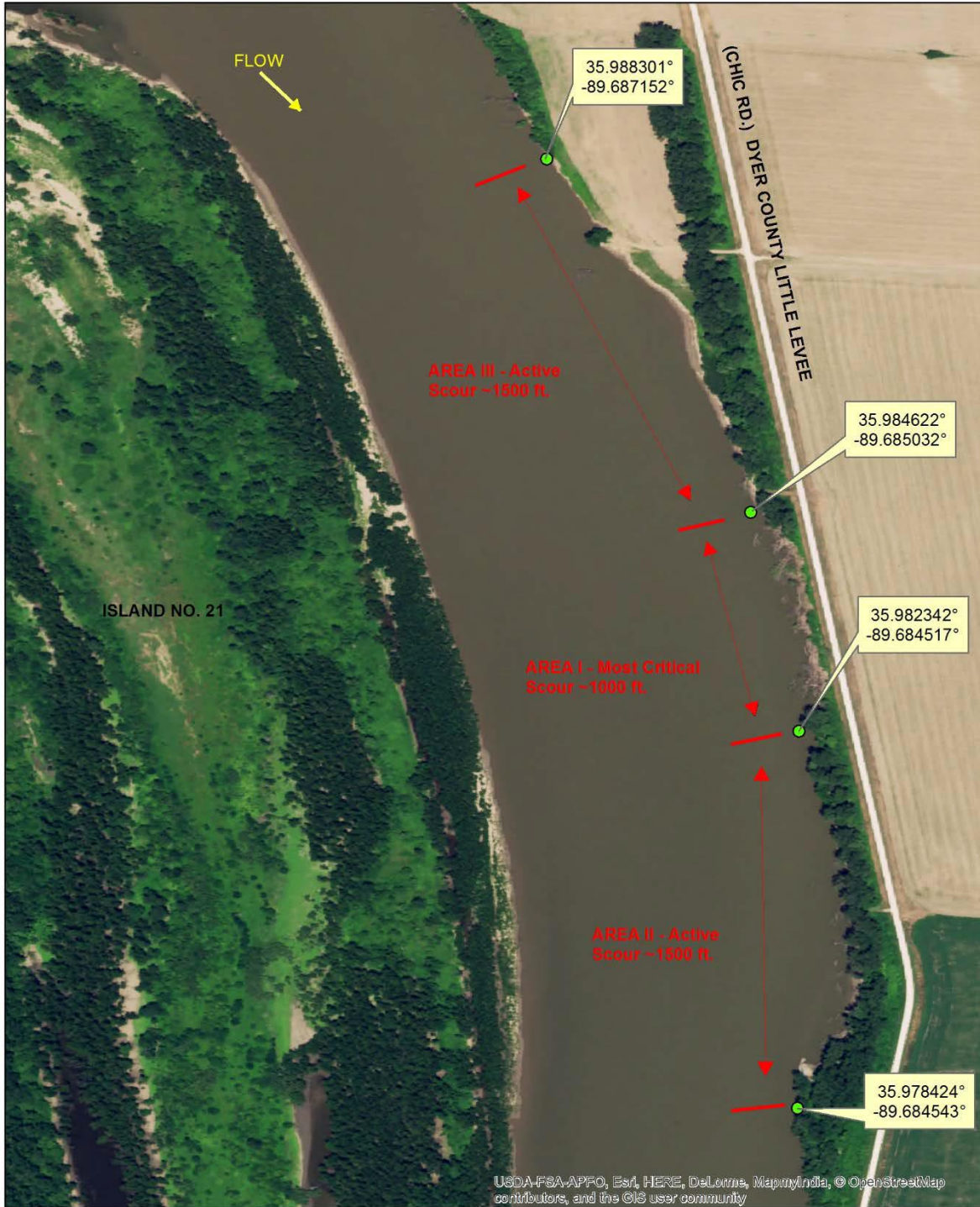
0 1 2 4 Miles





0 1,250 2,500 5,000 Feet





US Army Corps
of Engineers®
Memphis District

SITE DESIGNS / PHOTOGRAPHS



Critical scour (Area I) occurring at the Dyer County Little Levee Scour PL 84-99 Project Area.



Upstream scour reach (Area III) occurring at the Dyer County Little Levee Scour PL 84-99 Project Area.